## **United States Department of Labor Employees' Compensation Appeals Board**

D.J., Appellant	)	
	)	
and	)	<b>Docket No. 21-1027</b>
	)	<b>Issued: March 25, 2022</b>
U.S. POSTAL SERVICE, VITILAS "VITO"	)	
REID POST OFFICE, Normandy, MO, Employer	)	
	)	
Appearances:	$\mathcal{C}$	ase Submitted on the Record
Alan J. Shapiro, Esq., for the appellant <sup>1</sup>		
Office of Solicitor, for the Director		

## ORDER DISMISSING APPEAL

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 21, 2021 appellant, through counsel, sought an appeal from a purported June 3, 2021 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 21-1027.

The Board, having duly considered the matter, notes that it has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>2</sup> This jurisdiction encompasses any final decision issued by OWCP within 180 days of the date appellant filed this appeal.<sup>3</sup> Although the case record does contain a document from OWCP dated June 3.

<sup>&</sup>lt;sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>&</sup>lt;sup>2</sup> 5 U.S.C. § 8101 et seq.; 20 C.F.R. §§ 501.2(c) and 501.3(a).

<sup>&</sup>lt;sup>3</sup> 20 C.F.R. § 501.3(e) provides in pertinent part: "Any notice of appeal must be filed within 180 days from the date of issuance of a decision of the OWCP."

2021, it is an informational letter and, thus, does not constitute a final adverse OWCP decision.<sup>4</sup> As there is no final adverse decision over which the Board may properly exercise jurisdiction, the Board concludes that the appeal docketed as No. 21-1027 must be dismissed.<sup>5</sup> Accordingly,

## **IT IS HEREBY ORDERED THAT** the appeal docketed as No. 21-1027 is dismissed.

Issued: March 25, 2022 Washington, DC

> Alec J. Koromilas, Chief Judge Employees' Compensation Appeals Board

> Janice B. Askin, Judge Employees' Compensation Appeals Board

> Valerie D. Evans-Harrell, Alternate Judge Employees' Compensation Appeals Board

<sup>&</sup>lt;sup>4</sup> See Order Dismissing Appeal, G.T., Docket No. 21-0199 (issued December 1, 2021); Order Dismissing Appeal, S.U., Docket No. 20-0636 (issued December 3, 2020) (correspondence that is purely informational in nature does not constitute a final adverse decision of OWCP from which appellant may properly appeal).

<sup>&</sup>lt;sup>5</sup> The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance." 20 C.F.R. § 501.6(d).